

REMARKS

At the time of the Office Action dated January 24, 2005, claims 1, 3, 4, 6-12, 14, 16, 18 and 20-23 were pending, all of which stand rejected under 35 U.S.C. §112, second paragraph, §102(e) and §103(a).

In this Amendment, claims 1, 12, 16 and, 18 have been amended, and claim 3, 4, 6-11, 14 and 20-23 cancelled. Care has been exercised to avoid new matter. Specifically, claims 1, 12, 16 and 18 have been amended for clarification. Adequate descriptive support for this amendment can be found, for example, in original claims 2, 13, 17 and 19, now canceled. Currently, claims 1, 12, 16 and 18 are active.

Applicant submits that by the present Amendment and Remarks, this application is placed in clear condition for immediate allowance. At the least, the present Amendment reduces the number of issues, such as the rejections under 35 U.S.C. §112, second paragraph, and §103(a), thereby placing the application in better condition for Appeal. Accordingly, entry of the present Amendment and Remarks, and favorable consideration, are respectfully solicited pursuant to the provisions of 37 C.F.R. §1.116.

Claims 1, 3, 8-12, 14, 16, 18, 20 and 23 have been rejected under 35 U.S.C. §112, second paragraph.

In the statement of the rejection, the Examiner pointed out that the phase “image data corresponding to said management information provided in advance in said management information,” recited in claims 1, 12, 16 and 18 is confusing. In response, Applicant has amended claims 1, 12, 16 and 18 to obviate the above issue. Accordingly, withdrawal of the rejection of those claims is respectfully solicited.

Claims 1, 3, 4, 6, 7, 11, 12, 14, 16, 18, 20, 22, and 23 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schwab.

With respect to independent claims 1, 12, 16 and 18, the Examiner asserted that “[t]he ‘sharing attribute information’ recited in the claims is merely information which indicates whether or not an image should be sent from the terminal to the server” (paragraph 4 of the Office Action). Based on this interpretation, the Examiner maintained his position on rejecting claims 1, 12, 16 and 18. The Examiner’s reasoning is that “Schwab discloses that some images are sent to the server, while others are not (i.e., there is no communication with the central database) (col. 4 lines 9-17),” “Schwab further discloses information which enables communication with this central database (col. 6 lines 50-51),” and “this information qualifies as the claimed ‘sharing attribute information.’” (paragraph 4 of the Office Action).

The Examiner’s first cited portion (column 4, lines 9-17) states, “a particular item may be deemed to be highly marketable or desirable, and the manager of that item may choose to keep it within his local database 4, rather than to list it one the database associated with the central server.” The second cited portion (col. 6 lines 50-51) merely states, “[t]he security key may contain... information necessary to complete communication connection to the file servers.”

In this Amendment, claims 1, 12, 16 and 18 have been amended to clarify the claimed sharing attribute information. Those claims, as amended, recite that (1) the sharing attribute information is included in management information; (2) the sharing attribute information indicates whether image data corresponding to the management information should be sent to a image management server; and (3) based on the sharing attribute information, the image data is sent to the image management server. In response, Applicant emphasizes that the Examiner’s

cited portions do not disclose the recitations (1)-(3) in claims 1, 12, 16 and 18. Therefore, it is submitted that Schwab does not disclose an image management system, an image management terminal, an image management method and a computer readable medium including all the limitations recited in claims 1, 12, 16 and 18.

For the Examiner's information, the following is Applicant's previous arguments in the August 25, 2004 reply.

Applicant stresses that Schwab does not disclose "sending said image data and said management information stored in said image management terminals to said image management server according to instructions from a user and sharing attribute information indicating whether said image data corresponding to said management information provided in advance in said management information should be sent to said image management server," as recited in claims 1, 12, 16 and 18. Specifically, the reference does not disclose using the "sharing attribute information" for sending image data and management information from the image management terminals to the image management server.

With respect to claim 2 (regarding the limitations added to claims 1, 12, 16 and 18), the Examiner asserted as follows:

Schwab teaches making a determination about whether to list an image on the central server (col. 4 lines 9-17) or keep it within the local database (i.e. not share it). If the image in Schwab is not shared, then communication with the central database is cut off (col. 4 lines 15-16). Schwab further discloses that a communication connection (col. 6 lines 50-51) between the terminal and server is accessed with a password (col. 6 lines 39-41), which links "the files themselves with the password" via file header information. Consequently, we can conclude that this password information associated with individual images is

analogous to the sharing attribute information recited in the claim. See the fourth full paragraph on page 4 of the Office Action.

In response, Applicant submits that Schwab's password contained in a file header is different from the claimed sharing attribute information. In addition, image data is not sent to a server according to that password in Schwab. In Schwab, a destination to which a password contained in a file is linked, is described as follows: "so as to link the files themselves with the password character sequence contained inside a hardware security key" (column 6, lines 39-41). In other words, in Schwab, the password is a hardware security key stored in a "dongle" to be connected to a PC, for instance. Therefore, the reference merely discloses that the hardware security key is (1) utilized for connecting to a server ("for access to the central computer database" in column 6, line 49 of Schwab); and (2) utilized for decoding an image (Schwab discloses, "Only a computer having this particular security key attached to the parallel interface connector of the PC is able to decrypt the image files and reconstruct the image" (column 6, lines 54-57)).

In short, Schwab discloses as follows:

- (1) correlation between a hardware key and connection to a server; and*
- (2) correlation between a hardware key and password stored in a file.*

However, (3) correlation between password stored in a file and connection to a server is not disclosed.

The reason why a password is contained in a file is to only decode the file, but not to connect to a server via that password in the file. As long as access with a server by using a password in a file is not disclosed by Schwab, Applicant

emphasizes that the claimed “sharing attribute information” is not relevant to Schwab’s password because the sharing attribute information is adopted to indicate “whether said image data... should be sent to said image management server,” as recited in the claims. Accordingly, Schwab does not disclose sending a file to a server according to a password (e.g., whether the password is exist or not) stored in the file, i.e., the password is not used to determine whether the file should be sent to the server.

As mentioned above, the Examiner concluded that, “this password information associated with individual images is analogous to the sharing attribute information recited in the claim.” Again, Schwab’s password and the claimed sharing attribute information are different from each other in that the claimed sharing attribute information is for determining whether to send image data to a server, whereas Schwab’s password is for decoding a file.

Therefore, Schwab does not disclose an image management system, an image management terminal, an image management method and a computer readable medium including all the limitations recited in claims 1, 12, 16 and 18.

Accordingly, Applicant submits that independent claims 1, 12, 16 and 18 are not anticipated by Schwab. It is noted that the rejection of claims 3, 4, 6, 7, 11, 14, 20, 22, and 23 has been rendered moot by cancellation of those claims. Applicant, therefore, respectfully solicits withdrawal of the §102(e) rejection and favorable consideration claims 1, 12, 16 and 18.

Claims 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schwab in view of Matsuo and Chatani; and claims 8-10 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schwab in view of Nakabayashi et al.

As mentioned above, claims 6, 7, 8-10 and 21 have been cancelled. Therefore, the rejection of those claims under 35 U.S.C. §103(a) has been rendered moot. Withdrawal of the rejection of those claims are respectfully solicited.

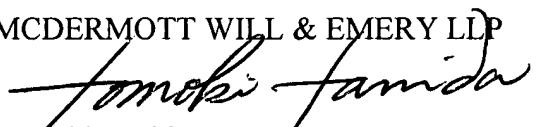
Conclusion.

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Recognition Under 37 CFR 10.9(b)

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Date: April 25, 2005